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J. J. JARVES, Editor.]

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POETRY.

THE HERITAGE.

BY JAMES R. LOWELL.

The rich man's son inherits lands,
And piles of brick, and stone, and gold,
And he inherits soft, white hands,
And tender flesh that fears the cold,
Nor dares to wear a garment old:
A heritage, it seems to me,
One would not care to hold in fee.

The rich man's son inherits wants,
A stomach craving dainty fare;
With nought to do, he hears the pants
Of toiling hands with brown arms bare,
And weariness in his easy chair:
A heritage, it seems to me,
One would not care to hold in fee.

The rich man's son inherits cares;
The bank may break, the factory burn,
Some breath may burst his bubble shares,
And soft, white hands would hardly earn
A living that would suit his turn;
A heritage, it seems to me,
One would not care to hold in fee.

What does the poor man's son inherit?
Stout muscles and a sinewy heart,
A hardy frame, a hardier spirit,—
King of two hands, he does his part
In every useful toil and art;
A heritage, it seems to me,
A king might wish to hold in fee.

What does the poor man's son inherit?
Wishes o'erjoyed with humble things,
A rank adjudged by toil-won merit,
Content that from employment springs,
A heart that in his labor sings;
A heritage, it seems to me,
A king might wish to hold in fee.

What does the poor man's son inherit?
A patience learned by being poor,
Courage, if sorrow come, to bear it,
A fellow-feeling that is sure
To make the outcast bless his door:
A heritage, it seems to me,
A king might wish to hold in fee.

O, rich man's son, there is a toil
That with all others level stands;
Large charity doth never soil,
But only whiten, soft, white hands;
This is the best crop from thy lands:
A heritage, it seems to me,
Worth being rich to hold in fee.

O, poor man's son, scorn not thy state;
There is worse weariness than thine,
In merely being rich and great;
Work only makes the soul to shine,
And makes rest fragrant and benign:
A heritage, it seems to me,
Worth being poor to hold in fee.

Both heirs to some six feet of sod,
Are equal in the earth at last;
Both children of the same dear God;
Prove title to your heirship vast
By record of a well-filled past:
A heritage, it seems to me,
Well worth a life to hold in fee.

COMMUNICATED.

Mr. Editor,—The "FRIEND" of the 9th. instant contains a continuation of some valuable, because in many respects just, "NOTES" of Robert Crichton Wyllie, Esquire, dedicated to a variety of subjects interesting to the government. These notes in their entire series, are calculated to make important suggestions to those who may be confided with the delicate task of adjusting a code suitable to the wants of the country, and as one devoted to His Majesty's service, I have given them attentive perusal. The last number, however, contains an allusion to the oath of allegiance, and its effects upon this government, which I conceive to be the result of misapprehension. In it Mr. Wyllie with benevolent intentions towards the Hawaiian people, inculcates the idea that it would be proper to bestow upon aliens, in their capacities of British subjects, French subjects, and American citizens, all the privileges of Hawaiian subjects—admit them to all the abstract rights of natives, and bestow upon them the offices of trust, profit, and honor in the country—without requiring them to renounce their allegiance abroad and swear fealty to His Majesty.

Such a view appears to me so novel in the history of nations, so different from the usages of Great Britain, France and the United States in like cases, and fraught with so many evil consequences to this government, that I cannot forbear analysis.

There are but few British and French subjects in the country, not a tithe in number commingled, compared with the American citizens here resident. The few of these British and French subjects who would venture to assume the responsible duties of the higher government offices, are devoted to their private mercantile, and other avocations, and would not abandon them for the most honorable and profitable trust in the country with a remuneration of \$1000 or 2000 per annum. If then His Majesty desired as has been often done in the United States and Russia, and as is now being done in Egypt, to call in the aid of educated and experienced foreigners; who would be most likely to accept such employment at such a compensation? American citizens. Who would His Majesty be under the absolute necessity of employing, if he desired foreigners? American citizens. Consequently the offices and other immunities which Mr. Wyllie suggests ought to be bestowed upon foreigners as such, would be bestowed upon citizens of the United States. Such a course would render the Hawaiian Government to all intents and purposes "an American colony;" a government wielded, advised and directed by American citizens, not by Hawaiian subjects. Great Britain has already foreseen this and objected to it. She exacted of the American government a solemn pledge, on the 25th. of June and 5th. of July, 1843, as appears from the correspondence which was on those days interchanged, at Washington, between Mr. Fox, H. B. M. resident minister, and Mr. Upshur, then secretary of state. In that correspondence which preceded the treaty of joint guarantee between Great Britain and France, the United States and Great Britain mutually pledged themselves to each other that neither of them would "seek to establish a paramount influence in those islands." The assurance that the United States did not wish, directly or indirectly, to colonize and govern the Hawaiian Islands, could not but influence, in a great degree, the subsequent guarantee of their independence by Great Britain and France—even if it was not the sole inducement to the treaty signed by them in London the succeeding November. Now I ask, all other reasoning aside, would it be right, under such circumstances, grateful as His Majesty is for the benefits secured to him by the Treaty of joint guarantee, to confide his offices of profit and trust to American citizens, as such, without requiring them first to renounce their allegiance to the United States and become legally transformed into Hawaiian subjects? Is it not rather His Majesty's bounden duty, in good faith to Great Britain, positively to see that no offices of profit, trust, honor or influence, and that no prominent allodial estates, be suffered to be acquired by American citizens in the kingdom?

If so, would it be just to confine this prescription to Americans, while British and French subjects, as such, were allowed to enjoy them? If so, then in order to avoid partiality and invidious distinction, he ought to grant those superior advantages to the subjects of no nation whatever, as such.—This, the Treaty of joint guarantee, and the mutual engagements between Mr. Fox and Mr. Upshur, require of him in good conscience. When, on the contrary, the subjects and citizens of those respective friendly nations have abjured their native allegiance, and have sworn allegiance to His Majesty, they have, by the law of nations—which is paramount to the parliamentary laws of Great Britain and the congressional laws of the United States—become Hawaiian subjects, perfectly out of the control, so long as they choose to remain out of the jurisdiction of the mother country, unless they

are so out of it in the capacity of seamen, or consuls, or ministers. The jurisdiction of His Majesty's government cannot be invaded to reach and punish them, except by piratical inroads. Nothing can touch them here, and they are accountable to no other government whatever. The laws of Great Britain or of the United States can have no extra-territorial force, while the law of nations and their comity have a pervasive extent over the world. Neither Great Britain nor the United States, who stand pledged to each other, would in this way have any citizens or subjects in positions at the Sandwich Islands in which they would be at all likely to obtain "a paramount influence" over this government. His Majesty also would be consistent in employing Anglo-Saxons who had renounced their allegiance to Great Britain and the United States, and Gauls who had renounced their allegiance to France. I feel convinced, therefore, that H. B. M. Pro-Consul, writing unofficially, could not have well weighed the results to which his suggestions of the converse would lead.

We have seen already, from the authorities quoted in some numbers on allegiance which I addressed to the public through your valuable columns, that American citizens can, by the laws of the United States, renounce their allegiance so far as to be out of the control and protection of their native country while resident in the country of the prince to whom they have sworn allegiance. British subjects can by the laws of Great Britain do the same thing, to the same extent and no more. The doctrine of intrinsic allegiance, in the United States, is derived to them while colonies of Great Britain, and is not one whit different, except that Great Britain lays greater stress upon it than the United States. In practice, both countries bow to the superior claims of the law of nations, which forbids the extra-territorial enforcement of municipal laws. And whether the laws of Great Britain and of the United States allowed the renunciation of allegiance or not, His Majesty is not bound, except in comity, to know or take the least notice of those local laws as affecting his internal administration.

But while the abstract doctrine of non-abjuration, was as much relied upon as at the present moment in both countries, the learned British lords and commons in Parliament assembled, foresaw that British subjects would go abroad, would renounce their native allegiance, and would swear allegiance to foreign princes. To make provision for this contingency, so likely to happen, and so contrary to the doctrine of non-abjuration, they enacted,—*"if an English subject go beyond the seas, and there become a sworn subject to a foreign prince or state, he shall, while abroad, pay such impositions as other aliens do."* 14 and 15 Henry VIII: cap 4. *"No British subject who has taken the oath of allegiance to a foreign state, except under the terms of some capitulation, can own any part of, or share in, a British registered ship, nor can any British subject usually residing in any country not under the British dominion unless he be a member of some British Factory or agent for or partner in a house or copartnership, actually carrying on trade in Great Britain or Ireland."* 4 Geo IV: cap. 41, § 5.

"The subject who emigrates bona fide, and procures a foreign naturalization, may entangle himself in difficulties and in a conflict of duties; but it is only in a very few cases that the British municipal laws would affect him." Lord Hale's pleas of the Crown, 68.

"The British law protects the rights of those who have been declared denizens of foreign states; thus a natural born subject of England having been admitted a denizen of the

United States of America, is entitled as such denizen to the benefit of the treaty between England and the United States, which authorizes the trade of Americans to the territories of the British East India Company, though as an English subject he would not have been permitted to carry on such commerce." British Term Reports 31: Bosanquet & Puller's British Reports, 430.

But, Mr. Editor, I cannot cite verbatim many of these British legislative and judicial cases in point, in justice to your columns. Refer your readers for a multitude of them to 1st. Chitty's Common Law digest, 120, and to Comyn's Digest, article Aliens, d 1; which are both works on English law written in Great Britain.

Let us see how Great Britain appreciates the importance of the naturalization of foreigners who come to reside in her dominions, and perhaps her example will be cogent in inculcating the same necessity in other countries.

DEFINITION. Aliens are persons not born within the dominions of the crown of England nor within the allegiance of the king except the children of the kings of England and the children of British ambassadors born abroad. *"No alien can be a revenue officer, or hold any office under the crown. The issue of an English woman by an alien, born abroad, is an alien."* 4 Durnford & East, 400.

"Aliens can have no heirs because they have not in them any inheritable blood." 2 Blk. Com., 249.

By 43d. Geo. III., chapter 155, *"aliens not departing the united kingdom when ordered by proclamation, may be committed to gaol; and such aliens returning may be transported for life. Aliens disobeying orders, to be imprisoned, for the first offence, one month; for the second, two months. One secretary of state, or the Lord lieutenant or his chief secretary, may grant warrants to conduct aliens out of the kingdom, not obeying proclamation. Copy of conviction, and circumstances of the alien, shall be transmitted to the secretary of state. Masters of vessels shall give to officers of customs, a declaration of the names of aliens on board. Aliens shall not land till the master of the vessel has made the declaration required, and permission be obtained, on penalty of imprisonment; and masters landing aliens contrary thereto shall forfeit £50 per man, and boats used in landing them. Captains of ships neglecting to make declarations of aliens, shall forfeit £20 per man. Aliens arriving and aliens departing, shall make a declaration to the officer of the customs, of their name, rank, and business, on pain, on conviction before a justice, of being imprisoned for one month. Aliens shall receive certificates from the officers of the customs; but the act does not extend to mariners certified to be employed in navigating vessels; and masters refusing to give such certificates to forfeit £15 or be imprisoned one month. Arms shall be seized, if attempted to be brought by aliens, other than as merchandize. His Majesty may direct aliens to land at particular places only, and masters acting contrary to such direction shall forfeit £40 per man, and the ship. No alien shall depart from the place of arrival without a passport, and passports may be refused and aliens committed. Magistrates are empowered to cause such aliens to exhibit their passports, and to commit them under suspicious circumstances. Persons forging passports to be imprisoned, on conviction, for not exceeding three months and afterwards quit the kingdom; and returning, to be transported for seven years. His Majesty may order aliens to be detained in custody in the kingdom. His Majesty may order the residence of aliens to be at particular places, and persons not obeying such order are liable to six months imprisonment. His Majesty may order all aliens to give an account of all their*